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JC860 U.S. PTO  
12/20/01

ATTORNEY'S DOCUMENT: 069204.0118

PATENT APPLICATION

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TRANSMITTAL FOR U.S. PATENT APPLICATION  
UNDER 37 CFR §1.53(b)

**Box Patent Application**  
ASSISTANT COMMISSIONER  
OF PATENTS  
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the original patent application of:

Inventor: Mohammed N. Islam, et al.

For: OPTICAL AMPLIFICATION USING LAUNCHED SIGNAL  
POWERS SELECTED AS A FUNCTION OF A NOISE FIGURE

Enclosed are:

- X Specification (77 Total Pages)
- X Drawings: (7 Sheets of Formal Drawings)
- X (Unsigned) Original Combined Declaration and Power of Attorney (3 Total Pages)
- An Assignment of the invention to Xtera Communications, Inc. is attached. A separate cover sheet in compliance with 37 C.F.R. § 3.28 and § 3.31 is included with an Assignment recordal fee of \$40.00 pursuant to 37 C.F.R. § 1.21(h).
- X Nonpublication Request Form (1 Total Page)
- X Verified Statement Claiming Small Entity Status (1 Total Page)
- X Certificate of Mailing
- X Return Receipt Postcard

Applicant is:  
X Small Entity  
     Other

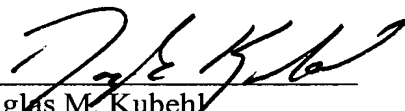
The accompanying application is:  
X Original

40028575-122004

FEE CALCULATION					FEE
	Number		Number Extra	Rate	Basic Fee \$370.00
Total Claims	126	20	106	X \$ 9 =	954.00
Independent Claims	6	3	3	X \$42 =	126.00
TOTAL FILING FEE =					\$1,450.00

Enclosed is a check in the amount of \$1,450.00 for filing fee. Please charge any additional fees or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P. **This Fee Transmittal is transmitted in duplicate.**

BAKER BOTTS L.L.P.  
Attorneys for Applicants

  
\_\_\_\_\_  
Douglas M. Kubehl  
Registration No 41,915

Date: December 20, 2001

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10028576-12001

<b>NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)</b>		First Named Inventor	Mohammed N. Islam, et al.
		Title	OPTICAL AMPLIFICATION USING LAUNCHED SIGNAL POWERS SELECTED AS A FUNCTION OF A NOISE FIGURE
		Atty Docket Number	069204.0118

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

December 20, 2001  
Date

  
Signature

Douglas M. Kubehl  
Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

ATTORNEY DOCKET: 069204.0118

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mohammed N. Islam, et al.  
Filing Date: December 20, 2001  
Title: OPTICAL AMPLIFICATION USING LAUNCHED SIGNAL  
POWERS SELECTED AS A FUNCTION OF A NOISE  
FIGURE

Box Patent Application  
Honorable Commissioner of  
Patents and Trademarks  
Washington, D.C. 20231

Dear Sir:

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that the attached Patent Application, Fee Transmittal, Nonpublication Request Form, (Unsigned) Declaration & Power of Attorney, Verified Statement, Formal Drawings, a check in the amount of \$1,450.00, and this Certificate of Mailing are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on this 20th day of December, 2001, addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

*Willie Jiles*

Willie Jiles

Express Mail Receipt  
No. EL 759112788 US  
ATTORNEY'S DOCKET: 069204.0118